

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Frankie Lordmaster,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT
)	AND RECOMMENDATION
vs.)	
)	Case No. 1:16-cv-266
Carrie Clemens, G.W. VandeWalle, D.V.)	
Sandstorm, D.J. Crothers, and L.F.)	
McEvers,)	
)	
Defendants.)	

The Plaintiff, Frankie Lordmaster, is an inmate incarcerated in the State of Virginia, and this case arises from an action initiated by Lordmaster in July 2016, regarding his inability to secure a North Dakota marriage license. See Docket Nos. 1 and 3. On July 18, 2016, Lordmaster filed a pro se complaint, suing Carrie Clemens, Deputy Treasurer of Cass County, North Dakota, as well as North Dakota Supreme Court Justices Gerald VandeWalle, Dale Sandstrom, Daniel Crothers, and Lisa Fair McEvers asserting, among other things, they denied him the right to marry in his “homeland,” due process, equal protection, religious expression, and to contract. See Docket No. 3.

On June 21, 2016, Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation in which he recommended Lordmaster’s complaint be dismissed with prejudice. See Docket No. 5. Judge Miller’s report also recommended that Lordmaster be assessed a “strike” under the Prison Litigation Reform Act. The parties were given fourteen days to file any objections to the Report and Recommendation. On August 9, 2016, Lordmaster filed an objection to the Report and Recommendation. See Docket No. 6.

The Court has carefully reviewed Judge Miller's Report and Recommendation, Lordmaster's objection to the Report and Recommendation, the relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The North Dakota Supreme Court Justices are immune from suit as their actions were clearly judicial in nature. Lordmaster's claims are frivolous on their face, and the Court will assess Lordmaster a strike for purposes of the Prison Litigation Reform Act. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 5) in its entirety, and Lordmaster's complaint (Docket No. 3) is **DISMISSED WITH PREJUDICE**. The Court finds that any appeal would be frivolous, could not be taken in good faith, and may not be taken in forma pauperis. A certificate of appealability will not be issued by this Court.

IT IS SO ORDERED.

Dated this 22nd day of August, 2016.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court